**Disciplinary Rules and Procedures Policy**

**Feb 2024**

Together, the rules and procedures aim to encourage all employees and volunteers to improve their conduct where this is falling short of the required standard. These are not primarily for the purpose of punishment.

**NOTE: In this document all references to employee(s) shall be taken to include volunteer(s) and those self employed as far as possible but in no way purports to give employment rights under the charity to volunteers or those self employed but does state how disciplinary matters will be followed as far as possible. In the case of volunteers and those self employed where it is assessed that a disciplinary matter has arisen or would have been deemed to be such had that individual been employed by the charity then their volunteering role or self-employed role will be terminated without recourse from the individual concerned**

The following rules and procedures are intended to ensure that:

1. all employees are fully aware of the standards of performance, action and behaviour required of them; and
2. disciplinary action, where necessary, is taken speedily and in a fair, uniform and consistent manner.

**Disciplinary Rules**

It is not possible to specify all the offences which may result in disciplinary action as circumstances may vary depending on the nature of the work.

However, the following rules form an important part of the Contract of Employment. These should be read carefully to ensure that they are fully understood.

**A. Health and Safety Rules**

To be incorporated from the Health & Safety Policy.

**B. Behaviour at Work**

1. All employees should behave with civility towards fellow employees and no rudeness will be permitted towards customers or members of the public. Objectionable or insulting behaviour or bad language will render an employee liable to disciplinary action.
2. All employees shall use their best endeavours to promote the interest of the charity and shall, during their normal working hours, devote the whole of their time, attention and abilities to its business and affairs.
3. Any involvement in activities which could be construed as being in competition with the charity is forbidden.
4. An employee shall not, during or after the termination of his/ her employment, disclose to any person whomsoever any confidential information, including financial, regarding the charity, its business or trade secrets.
5. All reasonable instructions from an employee's superior are to be obeyed.

**C. Working Standards**

1. Unsatisfactory standards of work will be investigated and employees concerned will be subject to disciplinary action if poor job performance is proved to have been caused by carelessness or neglect of duty.
2. Unsatisfactory output of work will be viewed similarly to (1) above and may result in action being taken to remedy the employee's deficiencies, or to enforce the disciplinary procedure if improved output is not maintained.

**Rules Covering Gross Misconduct**

An employee/volunteer will be liable to summary dismissal if he/she is found to have committed any of the following acts:

1. Theft or fraud.

2. Grossly indecent or immoral behaviour.

3. Dangerous behaviour, fighting or physical assault.

4. Deliberate falsification of any records, including clocking offences, and unauthorised accessing of computer records.

5. The excessive consumption of alcoholic beverages or being under the influence of drugs in such a manner as to impair an employee's ability to carry out his/her duties effectively.

6. Undertaking private work on the premises and/or in working hours without express permission.

7. Misappropriation or unauthorised possession of money or property whether belonging to the employer, another employee or a third party.

8. Serious health & safety breaches which endanger the lives of employees, or any other person, or which creates a risk of serious injury.

In particular an employee will be liable to summary dismissal if s/he is found to have acted in one of the following ways:

* unauthorised removal, misuse of or interference with any guard or other protective / preventative measures;
* wilful damage to, misuse of, or interference with, any item provided in the interests of health and safety or welfare at work;
* unauthorised and intentional removal of any sign, label or warning notice provided by the employer in the interest of health and safety at work;
* misuse of chemicals, inflammables or toxic substances;
* misuse of any item of work equipment, fitting, fixture or component provided in the interests of health and safety.

9. Destruction/ sabotage of the employer's property or any other property on the premises.

10. Gross insubordination and/ or a refusal to obey legitimate instructions given by a manager.

11. Race, sex or other unlawful discrimination or harassment.

1. Malicious attack on fellow employees or other persons on the charity premises.

(These are examples only. The list is not exhaustive)

**Dismissal for Gross Misconduct offences will render the employee liable to termination without notice and to forfeit any contractual holiday pay.**

**Disciplinary Procedure**

Every effort will be made to ensure that any action taken under this procedure will be fair, with an employee being given the opportunity to state his or her case and appeal against any decision s/he considers to be unjust. At all steps in the disciplinary procedure the employee has the right to have a companion present.

When a matter arises which requires action through the disciplinary procedure the steps described below will be taken.

On occasions it may be necessary for an employee to be suspended with pay in order for a potentially difficult situation to be avoided or to allow an uninterrupted investigation to take place. Suspension with pay is a temporary measure to assist in the clarification and collation of facts and is not to be regarded as a penalty of any kind. Therefore the steps described below will not apply in circumstances where an employee is to be suspended.

**Step 1 – Statement of grounds for disciplinary action and notice of hearing**

A statement will be given to the employee setting out any alleged misconduct, shortcomings or other issues which will be the subject of the disciplinary hearing.

The statement will request that the employee attend a disciplinary hearing at a proposed date and time and explain the employee’s right to be accompanied at the hearing by a companion, who must be either a full time official or a suitably trained officer of a trade union or a work colleague of the employee’s choice.

Where documentary evidence is to be relied upon or where witness statements have been taken these will be given to the employee along with the statement of grounds for action.

The hearing will normally take place within 5 days of the statement being issued or within such a longer period of time as is considered necessary by the charity to allow the employee to prepare his or her response before the hearing.

**Step 2 – The Hearing**

An employee has the right to be accompanied by a companion at the hearing.

If witness statements are contested, an employee has the right to question any witness at the hearing, unless there are deemed to be exceptional circumstances preventing this.

If disciplinary or dismissal action is necessary in accordance with these procedures, the employee will be advised in writing as soon as reasonably practicable. The action will be deemed to be effective from the date of the disciplinary interview.

**Step 3 – Disciplinary Appeals Procedure**

If the employee considers any disciplinary warning or dismissal to be unjustified, the employee may appeal by setting out the grounds for appeal in writing to the appeal panel within 5 working days of the decision being communicated. The appeal can be on the grounds that the alleged offence was not committed or that the penalty was too severe.

An appeal hearing will be convened. The appeal shall provide an opportunity for a re-hearing of the original case against the employee. It shall be heard within 5 working days of the appeal being made, unless this is impracticable.

If after hearing all the evidence available, it is clear that either the employee did not commit the offence or the severity of the penalty was unjustified in the circumstances, the penalty may be revoked completely, or a lesser penalty imposed. If the employee has been dismissed and reinstatement is proposed the employee will be reinstated with full pay, backdated to the date of dismissal.

The employee and the employee's representative will be advised in writing of the outcome of the appeal no later than 2 working days following the appeal hearing.

**THE DECISION OF the appeal panel**

**WILL BE FINAL**

**Disciplinary Action**

If having gone through the procedure described above the charity believes that a disciplinary penalty should be imposed the following procedure will apply.

**Level 1**

A first instance of a relatively minor breach will be result in a VERBAL WARNING outlining the nature of the complaint and the corrective action required. A note of the action will be recorded on the individual’s personnel filefor a period of 6 months, after which time it will be disregarded subject to continual satisfactory conduct and performance.

**Level 2**

An offence of a more serious nature or a second instance of a relatively minor offence will result in a WRITTEN WARNING being issued detailing the nature of the complaint and the corrective action required. A copy of this letter, which the individual will be asked to sign, will be retained on the personnel file for a period of 12 months after which time it will be disregarded subject to continued satisfactory conduct and performance.

**Level 3**

In the event of further disciplinary action being necessary or if the misconduct is sufficiently serious to warrant a single written warning, but not sufficiently serious to justify dismissal a FINAL WRITTEN WARNING will be given, which as well as listing the nature of the complaint, will advise the individual that dismissal will result if there is a further occurrence or there is no satisfactory improvement. A copy of this letter, which the individual will be asked sign,

will be retained on the personnel file for a period of 12 months, after which it will be disregarded subject to continued satisfactory conduct.

**Level 4**

Should an employee commit an act of very serious, sometimes called ‘gross’ misconduct or if conduct or performance remains unsatisfactory, within the period of the final written warning, the individual will be dismissed. In the case of gross misconduct no notice will be given but in the case of other dismissals appropriate notice will be given.

These four Levels are represented diagrammatically below.

**Disciplinary Procedure**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Offence** | **First**  **Level** | **Second Level** | **Third Level** | **Fourth Level** |
| **Unsatisfactory conduct** | **Verbal warning** | **First written warning** | **Final written warning** | **Dismissal** |
| **Misconduct** | **First written warning** | **Final written warning** | **Dismissal** |  |
| **Serious Misconduct** | **Final written warning** | **Dismissal** |  |  |
| **Gross Misconduct** | **Dismissal** |  |  |  |

The charity may use its discretion in respect of the disciplinary procedures to take into account the employee’s length of service and to vary the procedures accordingly. If an employee has a short amount of service he may not be in receipt of any warnings before dismissal but will retain the right to a disciplinary hearing and the right of appeal.

In the case of supervisory and managerial employees then demotion to a lower status may be considered as an alternative to dismissal except where gross misconduct is involved.

**Disciplinary Action**

The following table shows who is empowered under the Charity's procedures to take disciplinary action described in the previous pages.

|  |  |  |  |
| --- | --- | --- | --- |
| **Level of**  **Disciplinary Action** | **Management** |  | **Staff** |
| **Verbal**  **Warning** | **Senior Manager/Chair of Board** |  | **Immediate Manager** |
| **First Written**  **Warning** | **Senior Manager/Chair of Board** |  | **Immediate Manager** |
| **Final Written**  **Warning** | **Senior Manager/Chair of Board** |  | **Senior Manager/Chair of Board** |
| **Dismissal** | **Senior Manager/Chair of Board** |  | **Senior Manager/Chair of Board** |

**Grievance Procedure**

**A. Introduction**

1. Every employee has a right to raise any matter which gives rise to dissatisfaction or grievance concerning employment with the charity.

2. The aim should be to settle grievances promptly and as near as possible to the point of origin.

3. An employee wishing to invoke the grievance procedure has the right to be accompanied by a companion.

**B.Standard Procedure**

**Stage 1** – **Statement of Grievance**

An employee wishing to raise a grievance must set out the grievance in writing and send the statement of grievance to the Senior Manager/Chair of Board.

**Stage 2** - **Meeting**

Providing that the statement of grievance discloses sufficient information to proceed and if the grievance cannot be speedily resolved, the employee will be invited to attend a meeting with a senior manager not involved in the grievance. The employee has the right to request that a companion be present at this meeting.

The meeting will take place within 7 working days of receipt of the statement of grievance.

The decision following the meeting will be communicated to the employee as soon as is practicable but in any case within 3 working days. The decision shall be in writing and will inform the employee of the right of appeal.

**Stage 3 - Appeal**

An employee who wishes to appeal should set out the reasons for appeal in writing and forward this within 5 working days of receiving the decision to the Senior Manager/Chair of Board.

A meeting to hear the appeal will be convened within 7 working days of receipt of the notice of appeal. The employee retains the right to have a companion present.

The decision of the appeal shall be communicated in writing to the employee within 3 working days of the hearing and shall be final.

**C. Procedure for Health and Safety Grievances**

In the interests of health & safety the charity has adopted the procedure below to ensure the speediest possible means of resolving grievances.

**Procedure**

**Stage 1**

In the unlikely event that an employee has reasonable grounds to believe that their health & safety is threatened by a danger which is both **serious** and **imminent,** they should take the necessary sensible steps to avert that danger and **immediately** inform his/her line manager or in the absence thereof a member of the management team of their concerns and what steps have been taken.

**Stage 2**

The complaint will be thoroughly investigated, if necessary making use of competent external assistance. The Charity will ensure that no employee is placed in any situation where the charity believes that their health, safety or welfare might be jeopardised.

**THE DECISION OF the SENIOR Manager/Chair of Board/Chairman**

**WILL BE FINAL**

**D. Discrimination or Harassment Grievances**

**Stage 1 – Statement of Grievance**

The formal procedure requires that the employee put the complaint in writing to an appropriate manager or trustee who will institute an investigation of the complaint by acting as or appointing an investigating officer. The investigating officer will produce a report of findings into the complaint. A copy of this will be made available to the employee. The compilation of the report will be carried out in 5 working days.

**Stage 2 – Meeting**

If the grievance cannot be upheld, the employee will be invited to attend a meeting with a senior manager/chairman not involved in the grievance. The employee has the right to request that a companion be present at this meeting.

The meeting will normally take place within 5 working days of receipt of the report on the grievance.

The decision following the meeting will be communicated to the employee as soon as is practicable but in any case within 3 working days. The decision shall be in writing and will inform the employee of the right of appeal.

**Stage 3 – Appeal**

An employee who wishes to appeal should set out the reasons for appeal in writing and forward this within 3 working days of receiving the decision to the Senior Manager/Chair of Board or Chair.

A meeting to hear the appeal will be convened within 7 working days of receipt of the notice of appeal. The employee retains the right to have a companion present.

The decision of the appeal shall be communicated in writing to the employee within 3 working days of the hearing and shall be final.

**Important Note**

Although it is the employee who generally initiates a grievance, in the case of sexual or racial discrimination/ harassment the charity believes there is a general duty on all employees to alert the most senior members of management to the possibility of this discriminatory and unpleasant behaviour occurring. It is often difficult for, say, a young member of an organisation to have the necessary skills and confidence to raise a grievance of this nature. Therefore the charity requires the assistance of all employees to help it provide a safe workplace and to discharge its legal duties. If an employee witnesses any type of discriminatory behaviour or any conduct which might constitute harassment s/he should report this to a member of the management team. An person may do this anonymously.

Signed:

Chairperson

Blackpool Music School Date: